
No. 24-2334

United States Court of Appeals for the Federal Circuit

PACIRA PHARMACEUTICALS, INC., PACIRA BIOSCIENCES, INC.,
Appellants,

v.

EVENUS PHARMACEUTICALS LABORATORIES INC., JIANGSU HENGRUI PHAR-
MACEUTICALS CO., LTD., FRESENIUS KABI USA, LLC,
Appellees.

Appeal from the U.S. District Court for the District of New Jersey,
Judge Madeline Cox Arleo, Case Nos. 2:21-cv-19829, 2:22-cv-00718

**APPELLANTS' OPPOSED MOTION FOR 60-DAY EXTENSION OF
TIME TO FILE OPENING BRIEF**

Appellants Pacira Pharmaceuticals, Inc. and Pacira BioSciences, Inc. (Pacira) respectfully request a 60-day extension of time, to and including January 17, 2025, to file their opening brief. The current deadline is November 18, 2024, which has not been previously extended. Pacira discussed this motion with Appellees who responded they oppose but will not be filing a response to this motion.

The requested extension is necessary in light of Pacira's counsel's obligations that overlap with the time to prepare the opening brief in this appeal, which follows a five-day trial with an extensive record for review by appellate counsel. The obligations during the relevant time period include, *inter alia*, the following: **(1)** appellant's opening brief, filed September 30, 2024, in *Grissoms, LLC v. Antero Resources Corp.*, Sixth Cir. No. 24-3676; **(2)** oral argument on October 10, 2024, in *Nessel v. Eli Lilly & Co.*, Mich. S. Ct. No. 165961; **(3)** post-trial briefing, filed September 30, 2024 and November 4, 2024, and due on November 26, 2024, in *Ferring Pharms. v. Finch Pharms.*, D. Del. No. 21-1694; **(4)** motion to dismiss, filed November 4, 2024, in *In re: Generic Pharms. Pricing Antitrust Litig.*, MDL No. 2724; and **(5)** oral argument on December 3, 2024, in *Intel Corp. v. PACT XPP Schweiz AG*, Fed. Cir. No. 23-1537.

Pacira therefore seeks the requested extension to accommodate the foregoing obligations while allowing sufficient time to prepare the opening brief in a manner that will effectively assist the Court.

CONCLUSION

For the foregoing reasons, Pacira respectfully requests a 60-day extension of time, to and including January 17, 2025, to file the opening brief. Per Fed. Cir. R. 26(b)(3), a declaration is attached.

November 6, 2024

Respectfully submitted,

/s/ John C. O'Quinn

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DECLARATION IN SUPPORT OF MOTION FOR EXTENSION

I am counsel for Pacira and have entered an appearance. This motion has been discussed with Appellees who responded they oppose but will not be filing a response to this motion. There is good cause to grant the extension, in light of Pacira's counsel's obligations that overlap with the time to prepare the opening brief, which include the following: **(1)** appellant's opening brief, filed September 30, 2024, in *Grissoms, LLC v. Antero Resources Corp.*, Sixth Cir. No. 24-3676; **(2)** oral argument on October 10, 2024, in *Nessel v. Eli Lilly & Co.*, Mich. S. Ct. No. 165961; **(3)** post-trial briefing, filed September 30, 2024 and November 4, 2024, and due on November 26, 2024, in *Ferring Pharms. v. Finch Pharms.*, D. Del. No. 21-1694; **(4)** motion to dismiss, filed November 4, 2024, in *In re: Generic Pharms. Pricing Antitrust Litig.*, MDL No. 2724; and **(5)** oral argument on December 3, 2024, in *Intel Corp. v. PACT XPP Schweiz AG*, Fed. Cir. No. 23-1537.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

/s/ John C. O'Quinn
Counsel for Appellant

CERTIFICATE OF INTEREST

1. Represented Entities (Fed. Cir. R. 47.4(a)(1)):

Pacira Pharmaceuticals, Inc.; Pacira BioSciences, Inc.

2. Real Party in Interest (Fed. Cir. R. 47.4(a)(2)):

Not Applicable

3. Parent Corporations and Stockholders (Fed. Cir. R. 47.4(a)(3)):

Pacira BioSciences, Inc.; BlackRock, Inc.

4. Legal Representatives (Fed. Cir. R. 47.4(a)(4)):

Fish & Richardson: Allison E. Elkman, Evan T. Sumner, Jacqueline T. Moran, Qiuyi Autumn Wu, Ryan V. Petty

McCarter & English: Cynthia S. Betz, Mark M. Makhail, John E. Flaherty

O'Toole Scivo: Thomas P. Scrivo, Young Yu

Perkins Coie: Angela C. Griggs, Autumn N. Nero, Brandon M. Lewis, Bryan D. Beel, Courtney M. Prochnow, David L. Anstaett, Elise S. Edlin, Emily J. Greb, Jonathan I. Tietz, Shannon M. Bloodworth, Hari Santhanam

5. Related Cases (Fed. Cir. R. 47.5(a)). Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)? Yes. A separate Notice of Related Case Information has been filed under Rule 47.5(b) (ECF#8).

6. Organizational Victims and Bankruptcy Cases (Fed. R. App. P. 26.1(b)-(c)): N/A

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume requirements of the Federal Rules of Appellate Procedure and the Rules of this Court. The motion contains 276 words.

/s/ John C. O'Quinn